



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SS HCS HB 1606**

entitled:

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**AN ACT**

To repeal sections 160.011, 160.041, 160.530, 161.094, 161.095, 161.106, 161.670, 162.064, 162.401, 162.720, 163.018, 163.021, 163.073, 167.121, 167.225, 171.029, 171.031, 171.033, 173.1004, and 302.272, RSMo, and to enact in lieu thereof twenty-seven new sections relating to elementary and secondary education, with an effective date for certain sections.

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With SA 1, SA 2, SA 3, SA 4, SA 5, SA 6, SA 7, SA 8, SA 9, SA 10, SA 11

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse  
Secretary of the Senate

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MAY 09 2018

CHIEF CLERK

SENATE AMENDMENT NO. 1Offered by Romina of 03Amend SS/HCS/House Bill No. 1606, Page 23, Section 161.670, Line 9,

- 2 by inserting after "providers" the following: "and learning  
3 management systems".

Offered 5/1/18  
Adopted "

**SENATE AMENDMENT NO. 2**Offered by Curts of 9thAmend SS/HCS/House Bill No. 1606, Page 55, Section 302.272, Line 9,

2 by inserting after all of said line the following:

3 "304.060. 1. The state board of education shall adopt and  
4 enforce regulations not inconsistent with law to cover the design  
5 and operation of all school buses used for the transportation of  
6 school children when owned and operated by any school district or  
7 privately owned and operated under contract with any school  
8 district in this state, and such regulations shall by reference  
9 be made a part of any such contract with a school district. The  
10 state board of education may adopt rules and regulations  
11 governing the use of other vehicles owned by a district or  
12 operated under contract with any school district in this state  
13 and used for the purpose of transporting school children. The  
14 operator of such vehicle shall be licensed in accordance with  
15 section 302.272, and such vehicle shall transport no more  
16 children than the manufacturer suggests as appropriate for such  
17 vehicle. The state board of education may also adopt rules and  
18 regulations governing the use of authorized common carriers for  
19 the transportation of students on field trips or other special  
20 trips for educational purposes. Every school district, its  
21 officers and employees, and every person employed under contract

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1 by a school district shall be subject to such regulations. The  
2 state board of education shall cooperate with the state  
3 transportation department and the state highway patrol in placing  
4 suitable warning signs at intervals on the highways of the state.

5 2. Notwithstanding the provisions of subsection 1 of this  
6 section, any school board in the state of Missouri in an urban  
7 district containing the greater part of the population of a city  
8 which has more than three hundred thousand inhabitants may  
9 contract with any municipality, bi-state agency, or other  
10 governmental entity for the purpose of transporting school  
11 children attending a grade or grades not lower than the ninth nor  
12 higher than the twelfth grade, provided that such contract shall  
13 be for additional transportation services, and shall not replace  
14 or fulfill any of the school district's obligations pursuant to  
15 section 167.231. The school district may notify students of the  
16 option to use district contracted transportation services.

17 3. Any officer or employee of any school district who  
18 violates any of the regulations or fails to include obligation to  
19 comply with such regulations in any contract executed by him on  
20 behalf of a school district shall be guilty of misconduct and  
21 subject to removal from office or employment. Any person  
22 operating a school bus under contract with a school district who  
23 fails to comply with any such regulations shall be guilty of  
24 breach of contract and such contract shall be cancelled after  
25 notice and hearing by the responsible officers of such school  
26 district.

27 [3.] 4. Any other provision of the law to the contrary  
28 notwithstanding, in any county of the first class with a charter  
29 form of government adjoining a city not within a county, school

1 buses may bear the word "special"."; and

2 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 2Offered by Schatz of 26Amend SS/HCS/House Bill No. 1606, Page 35, Section 167.121, Line 9,

2 of said page, by inserting immediately after the word "his" the  
 3 following: "or her"; and further amend line 10 of said page, by  
 4 inserting immediately after the word "district" the following:  
 5 ", except as provided in section 167.125"; and further amend line  
 6 12 of said page, by inserting at the end of said line the  
 7 following: "Any assignment granted to a pupil under this section  
 8 prior to August 28, 2018, shall remain in effect until the pupil  
 9 completes his or her course of study in the receiving district or  
 10 until the parent or guardian withdraws the pupil from the  
 11 assignment. Any assignment granted to a pupil under this section  
 12 prior to August 28, 2018, shall also be applicable to any sibling  
 13 of the pupil and shall remain in effect until the pupil completes  
 14 his or her course of study in the receiving district or until the  
 15 parent or guardian withdraws the pupil from the assignment."; and

16 Further amend said bill and section, page 36, line 26 of  
 17 said page, by inserting after all of said line the following:

18 "167.125. 1. (1) For the purposes of this section, the  
 19 term "attendance center" shall mean a public school building or  
 20 buildings or part of a school building that constitutes one unit  
 21 for accountability purposes under the Missouri school improvement

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1 program.

2 (2) For any pupil residing in any unincorporated area  
3 located in any county of the first classification with more than  
4 one hundred one thousand but fewer than one hundred fifteen  
5 thousand inhabitants that also borders on any county with a  
6 charter form of government and with more than nine hundred fifty  
7 thousand inhabitants and any county with a charter form of  
8 government and with more than three hundred thousand but fewer  
9 than four hundred fifty thousand inhabitants, and for any pupil  
10 residing in any village with more than three hundred twenty but  
11 fewer than three hundred sixty inhabitants and located in any  
12 county of the third classification without a township form of  
13 government and with more than twenty-three thousand but fewer  
14 than twenty-six thousand inhabitants and with a village with more  
15 than two hundred but fewer than two hundred fifty inhabitants as  
16 the county seat, the commissioner of education or his or her  
17 designee shall, upon proper application by the parent or guardian  
18 of the pupil, assign the pupil and any sibling of the pupil to  
19 another school district if the pupil is eligible as described  
20 under subsection 2 of this section and the following conditions  
21 are met:

22 (a) The actual driving distance from the pupil's residence  
23 to the attendance center in the district of residence is fifteen  
24 miles or more by the shortest route available as determined by  
25 the commissioner or his or her designee;

26 (b) The attendance center to which the pupil would be  
27 assigned in the receiving district is at least five miles closer  
28 in actual driving distance by the shortest route available to the  
29 pupil's residence than the current attendance center in the

1 district of residence as determined by the commissioner or his or  
2 her designee; and

3 (c) The attendance of the pupil will not cause the  
4 classroom in the receiving district to exceed the maximum number  
5 of pupils per class as determined by the receiving district.

6 2. (1) For pupils applying to the commissioner of  
7 education under this section, the commissioner, or his or her  
8 designee, shall assign pupils in the order in which applications  
9 are received, provided the applications are properly completed  
10 and the conditions of subsection 1 of this section are met.

11 (2) Once granted, the hardship assignment shall continue  
12 until the pupil, and any sibling of the pupil who attends the  
13 same attendance center, completes his or her course of study in  
14 the receiving district or the parent or guardian withdraws the  
15 pupil. If a parent or guardian withdraws a pupil from a hardship  
16 assignment, the granting of a subsequent application is  
17 discretionary.

18 (3) A pupil shall be eligible to apply to the commissioner  
19 of education to be assigned to another district under this  
20 section if the pupil has been enrolled in and attending a public  
21 school in his or her district of residence during the school year  
22 prior to the application. Any pupil shall be eligible to apply  
23 to the commissioner of education to be assigned to another  
24 district under this section if the pupil has been enrolled in and  
25 attending a public school in a district other than his or her  
26 district of residence and paid nonresident tuition for such  
27 enrollment during the school year prior to the application.  
28 Pupils who reside in the district who become eligible for  
29 kindergarten or first grade shall also be eligible to apply to



1 the commissioner of education to be assigned to another district.

2 (4) A pupil who is not currently enrolled in a public  
3 school district shall become eligible to apply to the  
4 commissioner of education to be assigned to another district  
5 after the pupil has enrolled in and completed a full school year  
6 in a public school in his or her district of residence.

7 3. The board of education of the district in which the  
8 pupil resides shall pay the tuition of the pupil assigned. The  
9 tuition amount shall not exceed the pro rata cost of instruction.  
10 However, if the tuition of the receiving district is greater than  
11 the tuition of the pupil's district of residence, the pupil's  
12 parent or guardian shall pay the difference in tuition.

13 4. A receiving district shall not be required to alter its  
14 transportation route to accommodate pupils that are assigned to  
15 the receiving district under the provisions of this section.";  
16 and

17 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4Offered by Nusheed of 5thAmend SS/HCS/House Bill No. 1606, Page 47, Section 168.024, Line 10,

2 by inserting after all of said line the following:

3 "170.015. 1. Any course materials and instruction relating  
4 to human sexuality and ~~sexually transmitted diseases~~ shall be  
5 medically and factually accurate and shall:

6 (1) Present abstinence from sexual activity as the  
7 preferred choice of behavior in relation to all sexual activity  
8 for unmarried pupils because it is the only method that is one  
9 hundred percent effective in preventing pregnancy, sexually  
10 transmitted diseases and the emotional trauma associated with  
11 adolescent sexual activity, and advise students that teenage  
12 sexual activity places them at a higher risk of dropping out of  
13 school because of the consequences of sexually transmitted  
14 diseases and unplanned pregnancy;

15 (2) Stress that sexually transmitted diseases are serious,  
16 possible, health hazards of sexual activity. Pupils shall be  
17 provided with the latest medical information regarding exposure  
18 to human immunodeficiency virus, acquired immune deficiency  
19 syndrome (AIDS), human papilloma virus, hepatitis and other  
20 sexually transmitted diseases;

21 (3) Present students with the latest medically factual

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1 information regarding both the possible side effects and health  
2 benefits of all forms of contraception, including the success and  
3 failure rates for the prevention of pregnancy and sexually  
4 transmitted diseases; or shall present students with information  
5 on contraceptives and pregnancy in a manner consistent with the  
6 provisions of the federal abstinence education law, 42 U.S.C.  
7 Section 710;

8 (4) Include a discussion of the possible emotional and  
9 psychological consequences of preadolescent and adolescent sexual  
10 activity and the consequences of adolescent pregnancy, as well as  
11 the advantages of adoption, including the adoption of special  
12 needs children, and the processes involved in making an adoption  
13 plan;

14 (5) Teach skills of conflict management, personal  
15 responsibility and positive self-esteem through discussion and  
16 role-playing at appropriate grade levels to emphasize that the  
17 pupil has the power to control personal behavior. Pupils shall  
18 be encouraged to base their actions on reasoning,  
19 self-discipline, sense of responsibility, self-control, and  
20 ethical considerations, such as respect for one's self and  
21 others. Pupils shall be taught not to make unwanted physical and  
22 verbal sexual advances or otherwise exploit another person.  
23 Pupils shall be taught to resist unwanted sexual advances and  
24 other negative peer pressure;

25 (6) Advise pupils of the laws pertaining to their financial  
26 responsibility to children born in and out of wedlock and advise  
27 pupils of the provisions of chapter 566 pertaining to statutory  
28 rape;

29 (7) Teach pupils about the dangers of sexual predators,

1 including online predators when using electronic communication  
2 methods such as the internet, cell phones, text messages, chat  
3 rooms, email, and instant messaging programs. Pupils shall be  
4 taught how to behave responsibly and remain safe on the internet  
5 and the importance of having open communication with responsible  
6 adults and reporting any inappropriate situation, activity, or  
7 abuse to a responsible adult, and depending on intent and  
8 content, to local law enforcement, the Federal Bureau of  
9 Investigation, or the National Center for Missing & Exploited  
10 Children's CyberTipline; [and]

11 (8) Teach pupils about the consequences, both personal and  
12 legal, of inappropriate text messaging, even among friends; and

13 (9) Teach pupils about sexual harassment, sexual violence,  
14 and consent:

15 (a) For the purposes of this subdivision, the term  
16 "consent" shall mean a freely given agreement to the conduct at  
17 issue by a competent person. An expression of lack of consent  
18 through words or conduct means there is no consent. Lack of  
19 verbal or physical resistance or submission resulting from the  
20 use of force, threat of force, or placing another person in fear  
21 does not constitute consent. A current or previous dating or  
22 social or sexual relationship by itself or the manner of dress of  
23 the person involved with the accused in the conduct at issue  
24 shall not constitute consent;

25 (b) For the purposes of this subdivision, the term "sexual  
26 harassment" shall mean uninvited and unwelcome verbal or physical  
27 behavior of a sexual nature especially by a person in authority  
28 toward a subordinate;

29 (c) For the purposes of this subdivision, the term "sexual

1 violence" shall mean causing or attempting to cause another to  
2 engage involuntarily in any sexual act by force, threat of force,  
3 duress, or without that person's consent.

4 2. Policies concerning referrals and parental notification  
5 regarding contraception shall be determined by local school  
6 boards or charter schools, consistent with the provisions of  
7 section 167.611.

8 3. A school district or charter school which provides human  
9 sexuality instruction may separate students according to gender  
10 for instructional purposes.

11 4. The board of a school district or charter school shall  
12 determine the specific content of the district's or school's  
13 instruction in human sexuality, in accordance with subsections 1  
14 to 3 of this section, and shall ensure that all instruction in  
15 human sexuality is appropriate to the age of the students  
16 receiving such instruction.

17 5. A school district or charter school shall notify the  
18 parent or legal guardian of each student enrolled in the district  
19 or school of:

20 (1) The basic content of the district's or school's human  
21 sexuality instruction to be provided to the student; and

22 (2) The parent's right to remove the student from any part  
23 of the district's or school's human sexuality instruction.

24 6. A school district or charter school shall make all  
25 curriculum materials used in the district's or school's human  
26 sexuality instruction available for public inspection pursuant to  
27 chapter 610 prior to the use of such materials in actual  
28 instruction.

29 7. No school district or charter school, or its personnel

1 or agents, shall provide abortion services, or permit a person or  
2 entity to offer, sponsor, or furnish in any manner any course  
3 materials or instruction relating to human sexuality or sexually  
4 transmitted diseases to its students if such person or entity is  
5 a provider of abortion services.

6 8. As used in this section, the following terms mean:

7 (1) "Abortion", the same meaning as such term is defined in  
8 section 188.015;

9 (2) "Abortion services":

10 (a) Performing, inducing, or assisting in the performance  
11 or inducing of an abortion which is not necessary to save the  
12 life of the mother;

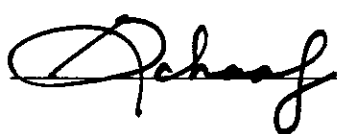
13 (b) Encouraging a patient to have an abortion or referring  
14 a patient for an abortion, which is not necessary to save the  
15 life of the mother; or

16 (c) Developing or dispensing drugs, chemicals, or devices  
17 intended to be used to induce an abortion which is not necessary  
18 to save the life of the mother."; and

19 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 5

Offered by

of 

P74

Amend SS/HCS/House Bill No. 1606, Page 24, Section 162.064, Line 2,

- 2 by striking "1."; and further amend lines 5-6 by striking the  
3 words "an annual" and inserting in lieu thereof the following: "a  
4 biennial"; and further amend lines 6-9 by striking all of the  
5 underlined words; and further amend lines 17-28 by striking all  
6 of said lines; and further amend said bill and section, page 25,  
7 line 1, by striking all of said line.

Offered 5/1/18  
Adopted "

SENATE AMENDMENT NO. 10Offered by WALLINGFORD of DISTRICT 27Amend SS HCS/House Bill No. 1606, Page 12, Section 160.572, Line 4  
2

2 by inserting immediately after said line the following:

3 "161.026. 1. Notwithstanding the provisions of section  
4 161.032 or any other provision of law, the governor shall, by and  
5 with the advice and consent of the senate, appoint a teacher  
6 representative to the state board of education, who shall attend  
7 all meetings and participate in all deliberations of the board.  
8 The teacher representative shall not have the right to vote on  
9 any matter before the board or be counted in establishing a  
10 quorum under section 161.082.

11 2. The teacher representative shall be an active classroom  
12 teacher. For purposes of this section, "active classroom  
13 teacher" means a resident of the state of Missouri who is a full-  
14 time teacher with at least five years of teaching experience in  
15 the state of Missouri, who is certified to teach under the laws  
16 governing the certification of teachers in Missouri, and who is  
17 not on leave at the time of the appointment to the position of  
18 teacher representative. The teacher representative shall have  
19 the written support of the local school board prior to accepting  
20 the appointment.

21 3. The term of the teacher representative shall be four  
22 years, and appointments made under this section shall be made in  
23 rotation from each congressional district beginning with the

*Offered 5/1/18*  
*Adopted 11*



1 first congressional district and continuing in numerical order.

2 4. If a vacancy occurs for any reason in the position of  
3 teacher representative, the governor shall appoint, by and with  
4 the advice and consent of the senate, a replacement for the  
5 unexpired term. Such replacement shall be a resident of the same  
6 congressional district as the teacher representative being  
7 replaced, shall meet the qualifications set forth under  
8 subsection 2 of this section, and shall serve until his or her  
9 successor is appointed and qualified.

10 5. If the teacher representative ceases to be an active  
11 classroom teacher, as defined under subsection 2 of this section,  
12 or fails to follow the board's attendance policy, the teacher  
13 representative's position shall immediately become vacant unless  
14 an absence is caused by sickness or some accident preventing the  
15 representative's arrival at the time and place appointed for the  
16 meeting.

17 6. The teacher representative shall receive the same  
18 reimbursement for expenses as members of the state board of  
19 education receive under section 161.022.

20 7. At no time shall more than one nonvoting member serve on  
21 the state board of education.

22 8. The provisions of this section shall expire on August  
23 28, 2026.

24 161.072. 1. The state board of education shall meet  
25 semiannually in December and in June in Jefferson City. Other  
26 meetings may be called by the president of the board on seven  
27 days' written notice to the members. In the absence of the  
28 president, the commissioner of education shall call a meeting on  
29 request of three members of the board, and if both the president

1 and the commissioner of education are absent or refuse to call a  
2 meeting, any three members of the board may call a meeting by  
3 similar notices in writing. The business to come before the  
4 board shall be available by free electronic record at least seven  
5 business days prior to the start of each meeting. All records of  
6 any decisions, votes, exhibits, or outcomes shall be available by  
7 free electronic media within forty-eight hours following the  
8 conclusion of every meeting. Any materials prepared for the  
9 members of the board by the staff shall be delivered to the  
10 members at least five days before the meeting, and to the extent  
11 such materials are public records as defined in section 610.010  
12 and are not permitted to be closed under section 610.021, shall  
13 be made available by free electronic media at least five business  
14 days in advance of the meeting.

15 2. Upon an affirmative vote of the members of the board who  
16 are present and who are not teacher representatives, a given  
17 meeting closed under sections 610.021 and 610.022 shall be closed  
18 to the teacher representative."; and

19 Further amend the title and enacting clause accordingly.  
20

SENATE AMENDMENT NO. 7Offered by Riddle of 10<sup>th</sup>Amend SS/HCS/House Bill No. 1606, Page 39, Section 167.266, Line 22,

2 by inserting after all of said line the following:

3 "167.637. If the local board of education of a school  
4 district provides information on immunizations, infectious  
5 diseases, medications, or other school health issues to parents  
6 and guardians of students in a grade or grades not lower than  
7 kindergarten nor higher than the twelfth grade, the board shall  
8 include information that is identical or similar to that produced  
9 by the Centers for Disease Control and Prevention about influenza  
10 and influenza vaccinations."; and

11 Further amend the title and enacting clause accordingly.

*Offered 5/1/18*  
*Adopted "*

SENATE AMENDMENT NO. 8Offered by Koenig of \_\_\_\_\_Amend SS/HCS/House Bill No. 1606, Page 15, Sections 161.670, Line 28

2 of said page, by striking all of said line; and

3 Further amend said bill and section, Page 16, lines 1-4 of  
4 said page, by striking all of said lines and inserting in lieu  
5 thereof the following: "school, including any charter school;  
6 except that, no student seeking to enroll in Missouri course  
7 access and virtual school program courses under this subdivision  
8 shall be required to have attended a public school during the  
9 previous semester if the student has a documented"; and further  
10 amend lines 12-16 by striking all of said lines and inserting in  
11 lieu thereof the following: "(2) Each"; and further amend line  
12 27 by striking the words "In case of"; and further amend line 28  
13 by striking all of said line; and further amend said bill and  
14 section, page 17, lines 1-6 by striking all of said lines and  
15 inserting in lieu thereof the following:

16 "If the school district or charter school disapproves a  
17 student's request to enroll in a course or courses provided by  
18 the Missouri course access and virtual school program, including  
19 full-time enrollment in courses provided by the Missouri course  
20 access and virtual school program, the reason shall be provided  
21 in writing and it shall be for "good cause". "Good cause"

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Adopted "

1 justification to disapprove a student's request for enrollment in  
2 a course shall be a determination that doing so is not in the  
3 best educational interest of the student. In cases of denial by  
4 the school district or charter school, local education agencies  
5 shall inform the student and the student's family of their right  
6 to appeal any enrollment denial in the Missouri course access and  
7 virtual school program to the local school district board or  
8 charter school governing body where the family shall be given an  
9 opportunity to present their reasons for their child or children  
10 to enroll in the Missouri course access and virtual school  
11 program in an official school board meeting. In addition, the  
12 school district or charter school administration shall provide  
13 its "good cause" justification for denial at a school board  
14 meeting or governing body meeting. Both the family and school  
15 administration shall also provide their reasons in writing to the  
16 members of the school board or governing body and the documents  
17 shall be entered into the official board minutes. The members of  
18 the board or governing body shall issue their decision in writing  
19 within thirty calendar days, and then an appeal may be made to  
20 the department of elementary and secondary education, which shall  
21 provide a final enrollment decision within seven calendar days."

SENATE AMENDMENT NO. 9

Offered by *Schaaf* of *Buchanan*  
Amend SS/HCS/House Bill No. 1606, Page 55, Section B, Line 40,

- 2 by striking "sections 161.670 and" and inserting in lieu thereof  
3 the following: "section".

*Offered 5/1/18*  
*Adopted "*

Emery 31

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SENATE AMENDMENT NO. 10

Offered by Emery of 31st

Amend SS/HCS/House Bill No. 1606, Page 20, Section 161.670, Line 8,

2 of said page, by inserting immediately after said line the  
3 following:

4 "(14) Any online course or virtual program offered by a  
5 school district or charter school, including those offered prior  
6 to August 28, 2018, which meets the requirements of section  
7 162.1250 shall be automatically approved to participate in the  
8 Missouri course access and virtual school program. Such course  
9 or program shall be subject to periodic renewal. A school  
10 district or charter school offering such a course or virtual  
11 school program shall be deemed an approved provider."  
12

Offered 5/1/18  
Adopted "

SENATE AMENDMENT NO. 11Offered by *Suppelle-Nadsh* of *14th*Amend SS/HCS/House Bill No. 1606, Page 28, Section 163.018, Line 1,

2 by inserting an opening bracket after the "2."; and further amend  
3 said bill and section, page 29, line 4, by inserting a closing  
4 bracket after the "3".

5

6

*Offered 5/1/18*  
*Adopted "*